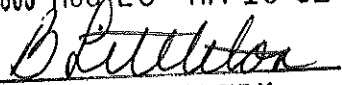


IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION

FILED
U.S. DISTRICT COURT
MIDDLE GEORGIA
2009 AUG 28 AM 10 21

DEPUTY CLERK

JAYSON TERRELLE COMBS,

Plaintiff,

v.

CYNTHIA NELSON, *et al.*

Defendants.

1:07-CV-111 (WLS)

ORDER

Before the Court is a Report and Recommendation from United States Magistrate Judge Richard L. Hodge, filed February 5, 2009. (Doc. 51). It is recommended that Defendants' Motion to Dismiss (30) and Motion for Summary Judgment (Doc. 40) be **GRANTED**. No objection has been filed to date.

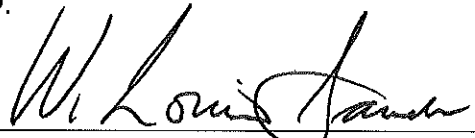
Magistrate Judge Hodge found that Defendants' Motion to Dismiss (Doc. 30) should be granted for several reasons. Judge Hodge found that Defendants Ragan and Draper were never served; and, thus, pursuant to Fed. R. Civ. P. 4(m), they should be dismissed as parties. Judge Hodge found further that Plaintiff's claims against defendants Draper, Ragan, Hutto, Shirlock, Bryant and Jones were barred by the applicable statute of limitations, and thus, Plaintiff's claims against these defendants should be dismissed with prejudice.

Magistrate Judge Hodge found that Defendants Nelson and Jones's Motion for Summary Judgment (Doc. 40) should be granted, in that no genuine issue of material fact existed sufficient to demonstrate the requisite elements of deliberate indifference to Plaintiff's health and safety.

Upon full review and consideration of the record, the Court finds that said Report and Recommendation (Doc. 51) should be, and hereby is, **ACCEPTED, ADOPTED** and made the

Order of this Court for reason of the findings made and reasons stated therein. Accordingly, Defendants' Motion to Dismiss (Doc. 30) and Motion for Summary Judgment (Doc. 40) are **GRANTED** and Plaintiff's Complaint (Doc. 2) and Amended Complaints (Doc. 14; Doc. 15; Doc. 22; Doc. 29) are hereby **DISMISSED**.

SO ORDERED, this 28th day of August, 2009.



THE HONORABLE W. LOUIS SANDS,
UNITED STATES DISTRICT COURT